IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10929 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAJESH ALIAS CHINO RATAN BAHADUR GURKHA

Versus

COMMISSIONER OF POLICE

Appearance:

MR ANIL S DAVE for Petitioner

MR SAMIR DAVE AGP for Respondent No. 1, 2, 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 14/02/2001

ORAL JUDGEMENT

#. The petitioner was detained as dangerous person under the order of the Police Commissioner, Ahmedabad City dated 27.9.2000. This petition is directed by the petitioner under Article 226 of the Constitution of India challenging the detention order.

#. Challenging this order aforesaid the learned counsel for the petitioner raised one of the contentions that the statement of the secrete witnesses has been verified by the detaining authority on 26.9.2000 and the order has been padded on 29.9.2000 and this matter is squarely covered by the decision of this court in the case of Ranubhai Bhikhabhai Bharwad (Vekaria) Vs. State of Gujarat & Ors. 200(3) GLR 2692. The learned counsel for the respondents fairly conceded that this matter on this point is squarely covered by the decision of this court on which reliance has been placed by the learned counsel for the petitioner. He further conceded that only on this ground this detention order vitiates.

#. In view of the admitted position no need to go on in detail in this matter. In the result, the Special Civil Application succeeds and the same is allowed. The order of detention of the petitioner dated 27.9.2000 is quashed and set aside. The petitioner Rajesh @ Chino Ratan Bahadur Gurkha, the detenu, at present in Bhuj District Jail, Bhuj, be set at liberty forthwith, if he is not required in any other case. Rule is made absolute. As the counsel for the respondents has come up with all fairness no order as to costs.

Learned counsel for the parties are in agreement that the petitioner is now at present at Vadodara Jail. The office is directed to sent the writ of this order to Vadodara Jail.

(S.K.Keshote, J.)

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